

REMARKS**STATUS OF THE APPLICATION**

The instant divisional application was filed on June 20, 2003. In an Office Action dated October 5, 2005 the Office has rejected claims 1-32. In view of the amendments to the claims and the discussion presented herein below, Applicant submits remaining claims 1-29 are patentable over the cited prior art and the instant application is in condition for allowance. An early notification of such allowance is therefore earnestly solicited.

THE OFFICE ACTION

The Office has rejected claims 28-32 under 35 U.S.C. second paragraph as being indefinite. The Office indicated that claims 28 and 29 were dependent on apparatus claims, but called for "the method of claim 19". Correction was required. The Office also noted that claims 30-32 were apparatus claims with no structural limitations, correction was required.

The Office has also rejected claims 1-32 under the judicially created doctrine of obviousness-type double patenting over: 1) claims 1-29 of copending Application number 11/057,636; 2) claim 44 of copending Application number 10/185,246; 3) claims 1-29 of copending Application number 10/702,377; and 4) claims 1-50 of copending Application number 10/465,250.

Finally, the Office has rejected claims 1-32 under 35 U.S.C. 103(a) as being unpatentable over JP 02-182433 in view of JP 08-221812 and either of U.S. Patent numbers 4,244,683 or 3,882,207.

DISCUSSION

The 35 U.S.C. 112, Second Paragraph Rejection

The Office has rejected claims 28-32 under 35 U.S.C. second paragraph as being indefinite. The Office indicated that claims 28 and 29 were dependent on apparatus claims, but called for "the method of claim 19". Correction was required. The Office also noted that claims 30-32 were apparatus claims with no structural limitations, correction was required.

Claims 28 and 29 have been amended to call for "the apparatus of claim 19" and claims 30-32 have been canceled. Thus these rejections have been corrected or are now moot.

The Provisional Obviousness-Type Double Patenting Rejections

The Office has rejected claims 1-32 under the judicially created doctrine of obviousness-type double patenting over:

- 1) claims 1-29 of copending Application number 11/057,636;
- 2) claim 44 of copending Application number 10/185,246;
- 3) claims 1-29 of copending Application number 10/702,377; and
- 4) claims 1-50 of copending Application number 10/465,250.

Attached hereto is a terminal disclaimer to overcome the obviousness-type double patenting rejections. Thus these rejections are no longer tenable.

THE REJECTION UNDER 35 U.S.C. 103(a)

The Office has rejected claims 1-32 under 35 U.S.C. 103(a) as being unpatentable over JP 02-182433 in view of JP 08-221812 and either of U.S. Patent numbers 4,244,683 or 3,882,207.

The Office suggests that the Japanese KoKai 08-221812 ('812) teaches the use of a punch when embossing a web of substrate material to melt form an optical disc pattern on at least one surface of the web. The Office indicates that punch member 80 is used to make a hole in the web of substrate material.

Applicants contend that a thorough reading of the published Japanese KoKai '812 (via a machine translation provided by the JPO, a copy of which is attached hereto) indicates that the "punch" does not cut a hole in a web of substrate material as it is being melt formed, but rather pushes unsolidified polymer back into the supply lines before the the additional layer which is being molded onto a preformed polymer substrate is hardened by UV radiation. That is, the "punch" merely pushes liquid material back out of the mold and becomes a central portion of the mold as the prepolymer is solidified. The '812 reference does not teach or suggest cutting a whole in the web of substrate material as it is being melt-formed from an initially solid web of substrate material, but merely provides a method for eliminating unwanted prepolymer before the add-on layer is polymerized.

Further, one of ordinary skill in the art would not have combined the '812 reference with JP 02-182433 ('433) to achieve the present invention. The '812 reference is an injection molding process which is significantly different than the embossing technique of the '433 patent. In fact, if the method of '812 patent were combine with the '433 patent

absurd results would be derived. The "punch" would not be able to force the semi-molten plastic of the web into any tubes without it solidifying and clogging the system. The system of the '433 patent could not be adapted to coat the web with a prepolymer which would subsequently be solidified, and the "punch" would not be able to push the prepolymer back out of the filling tube because the web of substrate material would be in the way. It is clear from the '812 reference that the substrate that the prepolymer is molded to already has a through-hole before it is placed into the mold.

Thus the the '433 and '812 references do not teach or suggest, individually or in combination the present invention as embodied in claims 1-29. Applicants respectfully request the withdrawal of such as rejection.

CONCLUSION

In view of the amendments to the claims and the discussion above, applicant submits that the present application is now in condition for allowance and earnestly request the re-examination and timely notice of allowance thereof.

Should the Examiner have an comments or suggestions which would place the instant application in better condition for allowance, he is earnestly requested to contact the undersigned.

Respectfully submitted,

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